

Sub 316.4

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APR 21 1975

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Dr. E. L. Simons, Manager
Environmental Protection Operation
General Electric Company
One River Road
Schenectady, NY 12345

Dear Dr. Simons:

This is in response to your letter dated March 27, 1975, requesting information regarding the administrative procedures by which the State of Hawaii, Department of Health conducts the NPDES permit program.

In addition to Federal mandate and regulations, the NPDES program must comply with State laws. Enclosed for your information and review are copies of Chapter 37, Water Pollution Control, Public Health Regulations; Chapter 91, Administrative Procedures, Hawaii Revised Statutes; and Chapter 342, Environmental Quality, Hawaii Revised Statutes (H.R.S.), which are State statutes governing the NPDES program.

The following addresses the specific questions raised in your letter:

1. At what stages in the permit procedure may the applicant examine and question proposed permit conditions? -- and through what mechanism?

The applicant is encouraged to examine, question and comment upon the permit conditions at any time during the permit-processing procedure.

In accordance with Section 8 of Chapter 37, a proposed draft NPDES permit is prepared and a copy is transmitted to the applicant. The applicant is requested to examine the proposed draft NPDES permit and submit his comments within thirty (30) days. A copy of the proposed draft NPDES permit is also transmitted to other government agencies of this time affording them an opportunity to submit their views and recommendation in compliance with Section 11 of Chapter 37.

Upon the termination of the thirty (30) days, the comments received are reviewed and considered. The proposed draft permit may be revised based on the comments received. A public notice and fact sheet (when applicable) is prepared in accordance to Section 9 and 10 of Chapter 37. The public notice is mailed to a list of concerned parties and also appears in a newspaper. The notice invites public inspection of the permit conditions and the submission of comments for a thirty (30) day period. The public notice also sets forth the procedures by which the applicant or any concerned party may request a public hearing pursuant to Section 13 of Chapter 37. A copy of the revised draft permit, public notice, and fact sheet (when applicable) is transmitted to the applicant and other governmental agencies with a request for their examination and submission of comments within thirty (30) days.

After the expiration of the thirty (30) day comment period, the comments received are reviewed and considered. The proposed draft permit may again be revised based on the comments received. If it is determined that revisions to the draft permit are of a significant nature, a public notice of such changes would be prepared with an additional thirty (30) days for the applicant and any concerned party to submit their comments or request a public hearing. If it is determined that a public hearing should be held, a notice would be prepared at least thirty (30) days prior to the date of hearing and would state that comments would be received for another thirty (30) day period. The applicant is contacted by telephone; notified of the impending issuance; and is asked for any further comments regarding the permit conditions prior to the issuance of the permit.

2. What opportunities exist for informal or formal (adjudicatory) hearings?

The applicant may request an informal hearing, conference, or meeting at any time during the permit-processing procedure by telephone or letter.

The applicant may request a formal hearing from the Director of Health in accordance with Chapter 91 H.R.S. and Part A. Rules of Practice and Procedure, Department of Health, State of Hawaii (a copy also enclosed) either within thirty (30) days following the date of the public notice or within twenty (20) days following the receipt of the issued permit in person or by letter. The applicant may seek further appeal to the circuit in the manner provided in Chapter 91, H.R.S.

3. What opportunities exist for possible modification of permits prior to their expiration date?

The applicant may submit a written request for modification of a permit when he feels that the situation warrants such action. The Director of Health will then review the request for permit modification and determine if it meets the requirements of Section 16 of Chapter 37.

I trust that this letter and the enclosed documents answers your questions. Should you have any further questions, please contact our office.

Sincerely,



SHINJI SONEDA, CHIEF
Environmental Protection and
Health Services Division

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Enclosures: Chapter 37, Water Pollution Control, Public Health Regulations
Chapter 91, Administrative Procedures, H.R.S.
Chapter 342, Environmental Quality, H.R.S.
Rules of Practice and Procedure, Department of Health, State of Hawaii

cc: ✓ EPA, Region IX, Permits Branch (w/o encl.)
EPA, Pacific Islands Basin Office, HI (w/o encl.)